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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,292	02/12/2001	Gerald Francis McBrearty	AUS9-2000-0750-US1	3291

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International Business Machines Corporation
Intellectual Property Law Department
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EXAMINER

ROSWELL, MICHAEL

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/726,292

Applicant(s)

MCBREARTY ET AL.

Examiner

Michael Roswell

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20050302.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the mailing address of each inventor. A mailing address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing address should include the ZIP Code designation. The mailing address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

It does not identify the citizenship of each inventor.

It does not identify the city and either state or foreign country of residence of each inventor. The residence information may be provided on either on an application data sheet or supplemental oath or declaration.

While the Declarations filed 30 November 2000 correctly state the mailing address, citizenship, and residence of Applicant McBrearty, the Declarations fail to disclose such for named Applicants Mullen and Shieh. Therefore, a supplemental Oath/Declaration is required.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-2, 4-12, 14-19 and 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sone (US Patent 6,826,554) and Haynes (US Patent 5,484,997).

Regarding claims 1, 11, and 18, Sone teaches a means for receiving a withdrawable user card that includes stored data representative of stored graphics specific to the user of the card (taught as the ability of an RF interrogator unit to accept customer information from a user's RF data card, at col. 3, lines 8-20, which may include font and language parameters, as taught at col. 10, lines 8-21). Sone also teaches displaying on a terminal a layout of user interactive graphics personalized to a user, responsive to the data stored on the user's card (taught as customizing parameters such as font size and displayed language, at col. 10, lines 8-21, displayed on the touch sensitive display screen of col. 8, line 55).

However, Sone fails to explicitly teach a user card insertable into the receiving means of a display terminal.

Haynes teaches an identification card with RF downlink capability similar to that of Sone. Furthermore, Haynes teaches the use of "magnetic stripe" cards requiring insertion into a reading device, at col. 1, lines 47-53, and teaches capabilities of RF cards meeting those of magnetic stripe cards, at col. 2, lines 15-21.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Sone and Haynes before him at the time the invention was made to modify the data transmission system of Sone to include the magnetic stripe cards of Haynes, in order to obtain a method for receiving data from a user through a personal card inserted into a receiving means.

One would be motivated to make such a combination for the advantage of non-volatile memory present in magnetic stripes. See Haynes, col. 1, lines 50-51.

Regarding claims 2, 12 and 19, Sone teaches including a user input touch screen having a layout of graphics personalized to the user, taught as customizing parameters such as font

size and displayed language, at col. 10, lines 8-21, displayed on the touch sensitive display screen of col. 8, line 55.

Regarding claims 4, 14 and 21, Sone teaches displaying images personalized to a user, taught as the ability of the display screen to show graphic images, at col. 8, lines 51-54, customized to a user, such as different character images, at col. 10, lines 8-17.

Regarding claims 5-6 and 22-23, Sone teaches a smart card that includes integrated circuitry associated with stored user data, at col. 5, lines 60-65 and col. 6, lines 22-25.

Regarding claims 7 and 24, Haynes teaches the use of magnetic stripe cards in automatic teller machines, at col. 6, lines 36-40.

Regarding claims 8-9, 15-16 and 25-26, Sone teaches displaying text personalized to a user in a language personalized to a user, at col. 10, lines 3-17.

Regarding claims 10, 17 and 27, Sone teaches enlarging the character font displayed to a user, as well as enlarging the character font personalized to a user's vision, taught as the use of user profile information such as age to determine the displayed font size, at col. 10, lines 17-21.

Claims 3, 13 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Some, Haynes and Koh et al (US Patent 6,335,725), hereinafter Koh.

Sone and Haynes have been shown to teach a means for receiving a withdrawable user card that includes stored data specific to the user of the card (taught as the ability of an RF interrogator unit to accept customer information from a user's RF data card, at col. 3, lines 8-20 of Sone). Sone also teaches displaying on a terminal a layout of user interactive graphics personalized to a user, responsive to the data stored on the user's card (taught as customizing parameters such as font size and displayed language, at col. 10, lines 8-21, displayed on the touch sensitive display screen of col. 8, line 55), as well as the use of "magnetic stripe" cards requiring insertion into a reading device, at col. 1, lines 47-53 of Haynes.

However, Sone and Haynes fail to explicitly teach a set of enlarged touch pads in the layout of displayed graphics.

Koh teaches a method for modifying touch screen displays, such as those used by Sone. Furthermore, Koh teaches enlarging touch pads on a display screen, at col. 4, lines 61-64.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Sone, Haynes and Koh before him at the time the invention was made to modify the touch screen displays of Sone and Haynes to include the enlarged buttons of Koh, in order to obtain a touch screen personalized to a user, wherein the touch screen includes enlarged buttons.

One would be motivated to make such a combination for the advantage of easier button activation afforded to a user by larger buttons. See Koh, col. 4, lines 64-67.

Response to Arguments

Applicant's arguments filed 2 March 2005 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, applicant has argued that Sone and Haynes teach away from using insertable cards because they cannot passively store any significant amount of data. While Haynes does state that storage space is limited (col. 1, lines 52-54), the teaching does disclose that insertable cards are capable of storing static information, such as the graphical parameters of Sone. Furthermore, one may argue that the RF cards as taught by Sone and Haynes are, in fact, insertable and withdrawable, as the user must bring the card within a certain distance of an RF reader or receiver, and then leaves the area when finished.

In response to applicant's argument that neither Sone nor Haynes teaches stored data defining a user's personalized display graphics layout, the Sone reference clearly teaches font and language parameters at col. 10, lines 8-21, specific to a user.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period


will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (571) 272-4055. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Roswell
5/2/2005


RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173